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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 MARTHA TORRES-MELCHOR, also known)
11 as OLGA MELCHOR-TORRES,)

CASE NO. C09-620-MJP-JPD

12 Petitioner,)

13 v.)

ORDER GRANTING TEMPORARY
STAY OF REMOVAL

14 ERIC H. HOLDER, JR., United States)
15 Attorney General, et al.,)

16 Respondents.)

17 Petitioner, proceeding through counsel, has filed a Petition for Writ of Habeas Corpus
18 and Complaint for Declaratory and Injunctive Relief (“Petition”), challenging her detention by
19 the U.S. Immigration and Customs Enforcement (“ICE”). (Dkt. 1). Petitioner asserts that the
20 actions by respondents in arresting her and threatening to remove her from the United States to
21 Mexico pursuant to the reinstatement provisions of Section 241(a)(5) of the Immigration and
22 Nationality Act (“INA”) are unlawful and in violation of the INA and her constitutional due
23 process rights. (Dkt. 1 at 11). Petitioner argues that the reinstatement provisions are not
24 applicable to her and that she is eligible to apply for permanent resident status under INA §
25 240A(b). (Dkt. 1 at 6, 8). On page two of the Petition, petitioner requests that the Court enter a
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1 stay of removal, asserting that she is currently in the custody of ICE, and under threat of
2 immediate removal to Mexico. (Dkt. 1 at 2). Accordingly, the Court does hereby ORDER:

3 (1) Petitioner's removal is temporarily STAYED pending briefing and a resolution of
4 petitioner's request for stay. The Court expresses no views at this time as to the merits of
5 petitioner's habeas petition or request for stay.

6 (2) Respondents shall file a response to petitioner's request for stay within 20 days of the
7 entry of this Order.

8 (3) The Clerk shall direct a copy of this Order to all counsel of record, and shall forward
9 a copy of this Order to Judge Donohue.

10 DATED this 7th day of May, 2009.

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13 Marsha J. Pechman
14 United States District Judge

15 Recommended for Entry
16 this 7th of May, 2009.

17 s/ JAMES P. DONOHUE
18 United States Magistrate Judge